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IN THE

Supreme Court of the United States

OCTOBER TERM, 1967

No. 911

NANTAHALA POWER AND LIGHT COMPANY,
Petitioner,

v.

FEDERAL POWER COMMISSION,
Respondent.

REPLY BRIEF FOR PETITIONER

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Petitioner files this reply brief to correct any misconception, which might result from statements contained in the Brief of the Federal Power Commission in Opposition, as to the first issue in this case. The first question in both the Petition for Certiorari and the Brief in Opposition involves a determination of whether Congress has delegated to the Federal Power Commission under the Federal Power Act the power to revoke the Congressional permission granted by Section 23(b) of the Act. Whether Congress could revoke its permission and require licenses is not at issue here.

It is not Petitioner's position, as stated in the Brief in Opposition (page 5), that Petitioner has been granted "a perpetual grant of immunity from any requirement to obtain a license . . .". Instead, Petitioner maintains only

that the Federal Power Commission has not been given the power by Congress to require Petitioner to file for licenses under the circumstances of this case. The Court below understood the issue and Petitioner's position thereon as set forth above and its decision was properly directed to the power of the Federal Power Commission, not to the power of Congress (Petition, pp. 4a-5a).

Respectfully submitted,

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